

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

FISCHER *et al.*

Appl. No.: 10/563,794

(U.S. Nat'l Phase of Int'l Appl.
No. PCT/EP2004/006914)

Int'l Filing Date: June 25, 2004

For: **Active Agents Combination
Exhibiting Insecticidal and
Acaricide Properties**

Confirmation No.: 3039

Art Unit: *To be assigned*

Examiner: *To be assigned*

Atty. Docket: 2400.0160000/VLC/THN

**Information Disclosure Statement
under 37 C.F.R. § 1.97(b)**

Mail Stop PCT

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on accompanying IDS Forms, PTO/SB/08A and PTO/SB/08B, are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Copies of documents **FP1** to **FP53** and **NPL1** to **NPL16** are submitted. However, in accordance with 37 C.F.R. § 1.98(a)(2), copies of U.S. patents and patent publications cited on the attached Form PTO/SB/08A, documents **US1** to **US5**, are not submitted.

In accordance with 37 C.F.R. § 1.98(a)(3), Applicants' undersigned representative submits the following discussion of the relevance of the non-English language documents, **FP1**, **FP2**, **FP5** to **FP11**, **FP13** to **FP31**, **FP33** to **FP35**, **FP37** to **FP48**, **FP50**, **FP52**, and **FP53**, cited on Form PTO/SB/08A:

Document **FP1**, DE 26 41 343 A1, is in the German language. An English language abstract of document FP1 is cited as document **NPL1** and submitted herewith.

Document **FP2**, EP 0 210 487 A1, is in the German language. An English language abstract of document FP2 is cited as document **NPL2** and submitted herewith.

Document **FP5**, EP 0 355 599 A1, is in the German language. An English language abstract of document FP5 is cited as document **NPL3** and submitted herewith.

Document **FP6**, EP 0 377 893 A2, is in the German language. An English language abstract of document FP6 is cited as document **NPL4** and submitted herewith.

Document **FP7**, EP 0 415 211 A2, is in the German language. An English language abstract of document FP7 is cited as document **NPL5** and submitted herewith.

Document **FP8**, EP 0 442 073 A2, is in the German language. An English language abstract of document FP8 is cited as document **NPL6** and submitted herewith.

Document **FP9**, EP 0 442 077 A2, is in the German language. An English language abstract of document FP9 is cited as document **NPL7** and submitted herewith.

Document **FP10**, EP 0 456 063 A2, is in the German language. An English language abstract of document FP10 is cited as document **NPL8** and submitted herewith.

Document **FP11**, EP 0 521 334 A1, is in the German language. An English language abstract of document FP11 is cited as document **NPL9** and submitted herewith.

Document **FP13**, WO 93/22297 A1, is in the Japanese language. An English language abstract of document FP13 can be found on the face page of the published patent application.

Document **FP14**, EP 0 596 298 A2, is in the German language. An English language abstract of document FP14 is cited as document **NPL10** and submitted herewith.

Document **FP15**, EP 0 613 884 A2, is in the German language. An English language abstract of document FP15 is cited as document **NPL11** and submitted herewith.

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Document **FP17**, WO 95/01358 A1, is in the German language. An English language abstract of document FP17 can be found on the face page of the published patent application.

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Document **FP19**, EP 0 668 267 A1, is in the German language. An English language abstract of document FP19 is cited as document **NPL13** and submitted herewith.

Document **FP20**, WO 95/26954 A1, is in the German language. An English language abstract of document FP20 can be found on the face page of the published patent application.

Document **FP21**, WO 96/25395 A1, is in the German language. English language equivalents of document FP21 are listed as documents **US2** and **US3**.

Document **FP22**, WO 96/35664 A1, is in the German language. An English language abstract of document FP22 can be found on the face page of the published patent application.

Document **FP23**, WO 97/01535 A1, is in the German language. An English language abstract of document FP23 can be found on the face page of the published patent application.

Document **FP24**, WO 97/02243 A1, is in the German language. An English language abstract of document FP24 can be found on the face page of the published patent application.

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Document **FP26**, WO 97/43275 A2, is in the German language. An English language abstract of document FP26 can be found on the face page of the published patent application.

Document **FP27**, WO 98/05638 A2, is in the German language. An English language abstract of document FP27 can be found on the face page of the published patent application.

Document **FP28**, WO 98/06721 A1, is in the German language. An English language abstract of document FP28 can be found on the face page of the published patent application.

Document **FP29**, WO 98/25928 A1, is in the German language. An English language abstract of document FP29 can be found on the face page of the published patent application.

Document **FP30**, WO 99/16748 A1, is in the German language. An English language abstract of document FP30 can be found on the face page of the published patent application.

Document **FP31**, WO 99/24437 A1, is in the German language. An English language abstract of document FP31 can be found on the face page of the published patent application.

Document **FP33**, WO 99/43649 A1, is in the German language. An English language abstract of document FP33 can be found on the face page of the published patent application.

Document **FP34**, WO 99/48869 A1, is in the German language. An English language abstract of document FP34 can be found on the face page of the published patent application.

Document **FP35**, WO 99/55673 A1, is in the German language. An English language abstract of document FP35 can be found on the face page of the published patent application.

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Document **FP38**, WO 01/00599 A1, is in the Japanese language. An English language abstract of document FP38 can be found on the face page of the published patent application.

Document **FP39**, WO 01/02354 A1, is in the Japanese language. An English language abstract of document FP39 can be found on the face page of the published patent application.

Document **FP40**, WO 01/21576 A1, is in the Japanese language. An English language abstract of document FP40 can be found on the face page of the published patent application.

Document **FP41**, WO 01/23354 A2, is in the German language. An English language abstract of document FP41 can be found on the face page of the published patent application.

Document **FP42**, WO 01/46124 A1, is in the Japanese language. An English language abstract of document FP42 can be found on the face page of the published patent application.

Document **FP43**, JP 2001-335559A, is in the Japanese language. An English language abstract of document FP43 is cited as document **NPL14** and submitted herewith.

Document **FP44**, WO 02/30199 A1, is in the German language. An English language equivalent of document FP44 is listed as document **US5**.

Document **FP45**, WO 02/062807 A1, is in the German language. An English language abstract of document FP45 can be found on the face page of the published patent application.

Document **FP46**, WO 02/087334 A1, is in the Japanese language. An English language equivalent of document FP46 is listed as document **US4**.

Document **FP47**, WO 02/088074 A1, is in the Japanese language. An English language abstract of document FP47 can be found on the face page of the published patent application.

Document **FP48**, WO 02/088075 A1, is in the Japanese language. An English language abstract of document FP48 can be found on the face page of the published patent application.

Document **FP50**, WO 02/094766 A1, is in the Japanese language. An English language abstract of document FP50 can be found on the face page of the published patent application.

Document **FP52**, WO 01/74770 A1, is in the German language. An English language abstract of document FP52 can be found on the face page of the published patent application.

Document **FP53**, WO 95/01971 A1, is in the German language. An English language abstract of document FP53 can be found on the face page of the published patent application.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached IDS Forms based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed IDS Forms, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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Registration No. 42,3859

Date: 2/7/07

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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	10/563,794 (U.S. Nat'l Phase of Int'l Appl. No. PCT/EP2004/006914)
				Int'l Filing Date	June 25, 2004
				First Named Inventor	FISCHER, Reiner
				Art Unit	To be assigned
				Examiner Name	To be assigned
Sheet	1	of	6	Attorney Docket Number	2400.0160000/VLC/THN

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	US1	3,364,177	01/16/1968	Bremmer, B.J.	
	US2	6,358,887 B1	03/19/2002	Fischer <i>et al.</i>	
	US3	2003/045432 A1	03/06/2003	Fischer <i>et al.</i>	
	US4	2004/077500 A1	04/22/2004	Sakata <i>et al.</i>	
	US5	2004/102326 A1	05/27/2004	Fischer <i>et al.</i>	

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)			
	FP1	DE 26 41 343 A1	04/07/1977	E.I. du Pont de Nemours and Co.	Abs
	FP2	EP 0 210 487 A1	02/04/1987	Ciba-Geigy AG	Abs
	FP3	EP 0 234 045 A2	09/02/1987	Nihon Nohyaku Co., Ltd.	
		EP 0 234 045 A3			
	FP4	EP 0 347 488 A1	12/27/1989	American Cyanamid Company	
	FP5	EP 0 355 599 A1	02/28/1990	Bayer AG	Abs
	FP6	EP 0 377 893 A2	07/18/1990	Bayer AG	Abs
		EP 0 377 893 A3			
	FP7	EP 0 415 211 A2	03/06/1991	Bayer AG	Abs
		EP 0 415 211 A3			
	FP8	EP 0 442 073 A2	08/21/1991	Bayer AG	Abs
		EP 0 442 073 A3			
	FP9	EP 0 442 077 A2	08/21/1991	Bayer AG	Abs
		EP 0 442 077 A3			

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				Examiner Name	<i>To be assigned</i>
				Attorney Docket Number	2400.0160000/VLC/THN
Sheet	4	of	6		

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FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	T ⁶
		Country Code ² Number ⁴ Kind Code ⁵ (if known)			
	FP28	WO 98/06721 A1	02/19/1998	Bayer Aktiengesellschaft and Fischer <i>et al.</i>	Abs
	FP29	WO 98/25928 A1	06/18/1998	Bayer Aktiengesellschaft and Hagemann <i>et al.</i>	Abs
	FP30	WO 99/16748 A1	04/08/1999	Bayer Aktiengesellschaft and Fischer <i>et al.</i>	Abs
	FP31	WO 99/24437 A1	05/20/1999	Bayer Aktiengesellschaft and Hagemann <i>et al.</i>	Abs
	FP32	EP 0 919 542 A2 EP 0 919 542 A3	06/02/1999	Nihon Nohyaku Co., Ltd.	
	FP33	WO 99/43649 A1	09/02/1999	Bayer Aktiengesellschaft and Lieb <i>et al.</i>	Abs
	FP34	WO 99/48869 A1	09/30/1999	Bayer Aktiengesellschaft and Lieb <i>et al.</i>	Abs
	FP35	WO 99/55673 A1	11/04/1999	Bayer Aktiengesellschaft and Lieb <i>et al.</i>	Abs
	FP36	EP 1 006 107 A2 EP 1 006 107 A3	06/07/2000	Nihon Nohyaku Co., Ltd.	

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				First Named Inventor	FISCHER, Reiner
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Sheet	6	of	6	Attorney Docket Number	2400.0160000/VLC/THN

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	FP46	WO 02/087334 A1	11/07/2002	Nihon Nohyaku Co., Ltd. and Sakata <i>et al.</i>	
	FP47	WO 02/088074 A1	11/07/2002	Nihon Nohyaku Co., Ltd. and Nakao <i>et al.</i>	Abs
	FP48	WO 02/088075 A1	11/07/2002	Nihon Nohyaku Co., Ltd. and Harayama <i>et al.</i>	Abs
		WO 02/094765 A2 WO 02/094765 A3	11/28/2002	Nihon Nohyaku Co., Ltd. and Goto <i>et al.</i>	
	FP50	WO 02/094766 A1	11/28/2002	Nihon Nohyaku Co., Ltd. and Goto <i>et al.</i>	Abs
	FP51	EP 1 380 209 A1	01/14/2004	Nihon Nohyaku Co., Ltd.	
	FP52	WO 01/74770 A1	10/11/2001	Bayer Aktiengesellschaft and Ruther <i>et al.</i>	Abs
	FP53	WO 95/01971 A1	01/19/1995	Bayer Aktiengesellschaft and Bachmann <i>et al.</i>	Abs

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Sheet	1	of	2	Attorney Docket Number	2400.0160000/VLC/THN

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
	NPL1	Dialog File 351, Accession No. 1284894, Derwent WPI English language abstract for DE 26 41 343 A1 (listed on accompanying PTO/SB/08A as document FP1)	
	NPL2	Dialog File 351, Accession No. 3940248, Derwent WPI English language abstract for EP 0 210 487 A1 (listed on accompanying PTO/SB/08A as document FP2)	
	NPL3	Dialog File 351, Accession No. 5386698, Derwent WPI English language abstract for EP 0 355 599 A1 (listed on accompanying PTO/SB/08A as document FP5)	
	NPL4	Dialog File 351, Accession No. 5225712, Derwent WPI English language abstract for EP 0 377 893 A2 (listed on accompanying PTO/SB/08A as document FP6)	
	NPL5	Dialog File 351, Accession No. 5466100, Derwent WPI English language abstract for EP 0 415 211 A2 (listed on accompanying PTO/SB/08A as document FP7)	
	NPL6	Dialog File 351, Accession No. 5637050, Derwent WPI English language abstract for EP 0 442 073 A2 (listed on accompanying PTO/SB/08A as document FP8)	
	NPL7	Dialog File 351, Accession No. 5637204 Derwent WPI English language abstract for EP 0 442 077 A2 (listed on accompanying PTO/SB/08A as document FP9)	
	NPL8	Dialog File 351, Accession No. 5720288, Derwent WPI English language abstract for EP 0 456 063 A2 (listed on accompanying PTO/SB/08A as document FP10)	
	NPL9	Dialog File 351, Accession No. 6600806, Derwent WPI English language abstract for EP 0 521 334 A1 (listed on accompanying PTO/SB/08A as document FP11)	
	NPL10	Dialog File 351, Accession No. 6975167, Derwent WPI English language abstract for EP 0 596 298 A2 (listed on accompanying PTO/SB/08A as document FP14)	

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Sheet	2	of	2	Attorney Docket Number	2400.0160000/VLC/THN

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	NPL15	International Search Report for International Application No. PCT/EP2004/006914, European Patent Office, Netherlands, mailed on November 15, 2004	
	NPL16	Colby, S.R., "Calculating Synergistic and Antagonistic Responses of Herbicide Combinations," <i>Weeds</i> 15:20-22, Weed Society of America (1967)	

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